

**BOARD OF ZONING APPEALS  
WILLIAMSBURG, VIRGINIA  
AGENDA**

**Tuesday, April 3, 2007**

---

The meeting will be called to order by Chairman White in Conference Room 3A, Third Floor, Williamsburg Municipal Building, 401 Lafayette Street, on Tuesday, April 3, 2007, at 4:00 P.M.

**OPEN FORUM**

**PUBLIC HEARINGS**

**BZA #07-004:** Request of Busch Entertainment Corporation for a special exception per Section 21-618 of the Zoning Ordinance to provide housing for 80 exchange visitors in the Econo-Lodge Motel. The applicant is seeking a renewal of the permit (PCR #06-011) issued by City Council in 2006. The property is located at 442 Parkway Drive, Williamsburg Tax Map Number 408-(0A)-00-025 and is zoned Corridor Business District (B-2).

**OLD BUSINESS**

**BZA #07-02:** Request of Lee Conder for a variance from Section 21-167(2) of the Zoning Ordinance to construct an attached carport five feet from the side property line instead of the required ten feet. The property is located at 512 Burbank Street, Williamsburg Tax Map Number 435-07-00-053 and is zoned Single-Family Dwelling District RS-2. ***Public hearing was conducted on March 5, 2006. The Board tabled action on the matter and requested additional information from the applicant.***

Review of new BZA application.

**NEW BUSINESS**

Approval of the Minutes of the March 6, 2007 meeting.

The Board will view the site, 442 Parkway Drive (BZA #07-004), as a group at 3:30 p.m. on April 3, 2007.



## CITY OF WILLIAMSBURG

Planning Department

**TO: Board of Zoning Appeals**

**DATE: March 30, 2007**

**SUBJECT: BZA #07-004 – Econo-Lodge Motel  
442 Parkway Drive - Special Exception Request**

Busch Entertainment Corporation has requested a special exception per Section 21-618 of the Zoning Ordinance to provide housing for 80 exchange visitors in the Econo-Lodge Motel. The applicant is seeking a renewal of the permit (PCR #06-011) issued by City Council in 2006. The property is located at 442 Parkway Drive, Williamsburg Tax Map Number 408-(0A)-00-025 and is zoned Corridor Business District B-2.

Section 21-618 of the Zoning Ordinance regulates rooming facilities for exchange visitors.

Rooming Facilities for exchange visitors may be permitted in the corridor business district B-2 with a special use permit approved by the city council in accordance with article II, division 2, and subject to the following:

1. For the purpose of this section, exchange visitors shall be defined as follow: A foreign national participating in an exchange visitor program and who has entered the United States temporarily on a J-1 visa. A J-1 visa is a non-immigrant visa issued to the exchange visitor pursuant to 8 U.S.C. 1101(a)(15)(J). ***The applicant notes that the students will enter the United States temporarily on J-1 visas.***
2. Employer owned facilities.  
The facility shall be owned and operated by the employer. Exchange visitors must work at least 20 hours per week for the employer. Exchange visitors must work at least 20 hours per week for the employer while residing at the facility. Length of occupancy shall not to exceed the limitations of stay allowed by the J-1 visa.
3. Non-Employer owned facilities.  
A hotel or motel existing on January 11, 2007 may be approved to lease rooms for more than 30 consecutive days to exchange visitors, with length of occupancy not to exceed the limitations of stay allowed by the J-1 visa. Exchange visitors must be employed at least 20 hours per week while residing at the facility. Occupancy shall be limited to exchange visitors only, and shall not include dependents or guests or exchange visitors. ***The Econo-Lodge was in existence on January 11, 2007. The students***



***will reside at the motel from May 15, 2007 through September 30, 2007. They will be employed at Water Country, U.S.A. at least 20 hours per week. The applicant notes that no dependents or guests of the students will stay at the motel.***

4. The duration of the special use permit for employer owned facilities shall not exceed five years; and the duration of the special use permit for non-employer owned facilities shall not exceed one year and shall expire on December 31 of the year issued. Renewal after the initial special use permit approval shall require a special exception approved by the board of zoning appeals in accordance with section 21-97(f), and subject to the provisions of section 21-618. ***The initial special use permit expired on September 30, 2006. The City Council amended the ordinance in January 2007 to require the renewals to be considered by the board of zoning appeals through the special exception process.***
5. An on-site supervisor shall be provided 24 hours a day during the occupancy of rooms by exchange visitors. The supervisor shall be responsible for maintaining order on the premises. The name and telephone number of the on-site supervisors shall be provided to the Zoning Administrator. ***Mrs. Bina Thakker is the on-site manager. Her phone number has been provided to the Zoning Administrator.***
6. Applicable provisions of the Uniform Statewide Building Code, and all other applicable laws and regulations, shall be met. ***The facility was inspected by the City's Property Maintenance Inspector on March 26, 2007. The property was found to be in general compliance with the building code.***
7. The applicant for a special use permit shall include: a floor plan showing the location and dimensions of each bedroom (including adjacent bathrooms) to be rented, the location of exits and the location of smoke detectors, the location and type of laundry, kitchen or recreational facilities that are available to the guest workers. ***A floor plan is included in the application. Each bedroom includes a smoke detector, small refrigerator and microwave. A washer and dryer located on the second floor will be available to the students. A small pool has recently been constructed on the property. The applicant notes that the recreational facilities at the International Housing Village will be available to the students.***
8. Each bedroom shall have a minimum floor area of 50 square feet per person, and the maximum occupancy for a bedroom shall be limited to four persons. Each exchange visitor residing in a room shall be provided with a separate bed. ***The Zoning Administrator verified that the rooms are in excess of 200 square feet. The applicant notes that each room***

***will be occupied by four students. Busch Entertainment Corporation shall install bunk-beds in the rooms on May 13, 2007.***

9. Internet access shall be provided on the premises for the exchange visitors. ***All of the rooms will have access to wireless internet.***
10. The operator of the facility shall arrange for an orientation session for the exchange visitors, to be conducted by the Williamsburg Police Department. ***The applicant is aware of this requirement. The Williamsburg Police Department recently conducted an orientation session for the students living at the International Housing Village.***
11. Copies of Form DS-2019 for the exchange visitors shall be retained on file by the operator of the facility, and shall be subject to inspection by the Zoning Administrator. ***The applicant is aware of this requirement.***
12. In lieu of the transient occupancy tax, a hotel/motel or an employer owned facility shall pay a fee to the City that is five percent of the rent collected for the rooms leased to exchange visitors. ***The applicant is aware of this requirement. The fee was paid in 2006.***

The Zoning Ordinance states that the Board of Zoning Appeals in reaching a decision on the authorization of a special exception shall consider, where applicable, the following:

- a. Stated intent of the zoning district in which the property is located;  
***This property is located in the Corridor Business District (B-2) and Section 21-321 of the Zoning Ordinance has the following intent section:***  
***This district is established to provide locations on heavily traveled collector and arterial highways for those commercial and service uses primarily oriented to the automobile. This district is applied along those streets primarily used to access local shopping areas, and providing locations for existing and future hotels, restaurants and other tourism retail uses.***
- b. Uses in the area immediately surrounding the property in question;  
***Various commercial uses are located to the north, south and east of the subject property. Property across Parkway Drive to the west is zoned RS-2 Single Family Dwelling District and has been developed with detached single-family dwellings.***
- c. Amount of traffic generated; ***The applicant notes that there is no need for the students to have vehicles.***
- d. Number of people to be employed; ***The request helps provide 80 employees for the region. If past experience is an example, a number of the students will obtain part-time employment with restaurants, other motels, shops and other businesses that are seeking part-time help during the summer.***



- e. Hardship that would result from the denial of the special exception, and
- f. Such other criteria as may be prescribed for a particular special exception under other sections of this chapter.

The Ordinance also states that the Board shall not approve a special exception unless it is found that:

- a. It is designed, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property; ***The Williamsburg Police Department noted that they responded to four calls at the Econo-Lodge during the past year. It is unknown if any of the calls were related to the students.***
- b. It does not unreasonably impair an adequate supply of light and air to adjacent property;
- c. It does not increase the public danger from fire or otherwise unreasonably restrict public safety; and
- d. It does not impair the established property values in surrounding areas.

The Board may also impose special conditions relating to the use provided for in the authorized special exception for which a permit is granted as it deems necessary in the public interest and may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with. ***The City Council approved the previously issued special use permit with the following conditions:***

- 1. ***The special use permit is valid only until September 30, 2006.***
- 2. ***All students shall be housed in the front portion of the motel closest to Capitol Landing Road.***
- 3. ***Payment of the transient lodging tax as noted in the agreement contained in the letter from David W. Otey of May 12, 2006, and countersigned by Bina Thakker, owner of the property.***

***Staff recommends that if the Board approves the request they consider a modification of the above noted conditions. Staff also recommends the Board consider an additional condition requiring the satisfactory inspection of the rooms by the City's Property Maintenance Inspector prior to the occupancy of the rooms.***

Rodney S. Rhodes  
Zoning Administrator



BOARD OF ZONING APPEALS  
WILLIAMSBURG PLANNING DEPARTMENT  
401 LAFAYETTE STREET  
WILLIAMSBURG, VIRGINIA 23185-3617  
(757) 220-6130 FAX (757) 259-8050

BZA # 07-004  
DATE 3-7-07

OWNER: BINA THAKKAR

ADDRESS: 442 PARKWAY DRIVE, WILLIAMSBURG, VIRGINIA 23185

PHONE/FAX NUMBERS: (757) 229-7564

APPLICANT/REPRESENTATIVE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE/FAX NUMBERS: \_\_\_\_\_

LOCATION OF THE REQUEST: 442 PARKWAY DRIVE, WILLIAMSBURG, VIRGINIA 23185

THE FOLLOWING REQUEST IS MADE TO THE BOARD OF ZONING APPEALS FOR:

☐ AN APPEAL FOR AN INTERPRETATION OF THE ZONING ORDINANCE, ZONING MAP, OR AN APPEAL OF AN ADMINISTRATIVE DECISION.

☐ A VARIANCE RELATING TO \_\_\_\_\_

☒ A SPECIAL EXCEPTION FOR ROOMING FACILITIES FOR EXCHANGE VISITORS

I/We, respectfully request that a determination be made by the Board of Zoning Appeals for the above information which is true to the best of my/our knowledge and belief.

Bina Thakkar  
Signature of Owner(s)

3/7/07  
Date

Sworn before me this 7 day of March, 07.

5722/Amrnu  
Notary

My Commission Expires 6/30/07  
My Commission Expires

FOR OFFICE USE ONLY

TAX MAP NUMBER: 408-0A-00-025 ZONING: B-2

DATE OF PUBLIC HEARING: April 3, 2007 NOTICES MAILED: 3-14-07  
(SEE ATTACHED SHEET FOR PERSONS NOTIFIED)

DECISION: \_\_\_\_\_

THE DECISION OF THE BOARD OF ZONING APPEALS MAY BE APPEALED TO THE CIRCUIT COURT WITHIN 30 DAYS AFTER FILING OF THE DECISION IN THE OFFICE OF THE BOARD.

ZONING ADMINISTRATOR  
Rodney S. Rhodes

DATE FILED



## STATEMENT BY APPLICANT

Busch Entertainment Corporation has contracted for eighty (80) students to work at Water Country, U.S.A., from May 15, 2007 through September 30, 2007. These students will have entered the United States temporarily on a J-1 visa.

The applicant, Busch Entertainment Corporation, currently houses employees at the International Housing Village located at 900 Capitol Landing Road, Williamsburg, Virginia. Busch Entertainment Corporation/Busch Properties, Inc. is the owner of the International Housing Village.

The applicant has made an agreement with the Econo-Lodge Motel located at 442 Parkway Drive, Williamsburg, Virginia to lease rooms for the visiting students. The facility was in existence on January 11, 2007. The length of the lease for rooms at the motel will be for more than thirty (30) consecutive days, with the length of occupancy not to exceed the limitation of stay allowed by the J-1 visa. The students will be employed at least twenty (20) hours per week while residing at the facility. Occupancy will be limited to students employed by Busch Entertainment Corporation only, and shall not include dependents or guest of the students. It is understood that the Special Use Permit shall expire on December 31, 2007. A floorplan showing the location and dimension of each room shall be attached hereto. Each room shall have a minimum area of fifty (50) square feet per person, and the maximum occupancy for each room will be four (4) persons. Each occupant will be provided with a separate bed. The on-site supervisor for the students will be Bina Thakkar, whose telephone number is (757) 229-7564.

Because of the proximity of the Econo-Lodge to the International Housing Village, the employer, Busch Entertainment Corporation, can also provide the same security to the Econo-Lodge as is provided to the employees staying at the International Housing Village. In addition, the facilities of the International Housing Village will be available to the students staying at the Econo-Lodge. This will include the use of the kitchen, washers and dryers, internet and transportation. Thus, there should be no need for the employees to need their own automobiles.

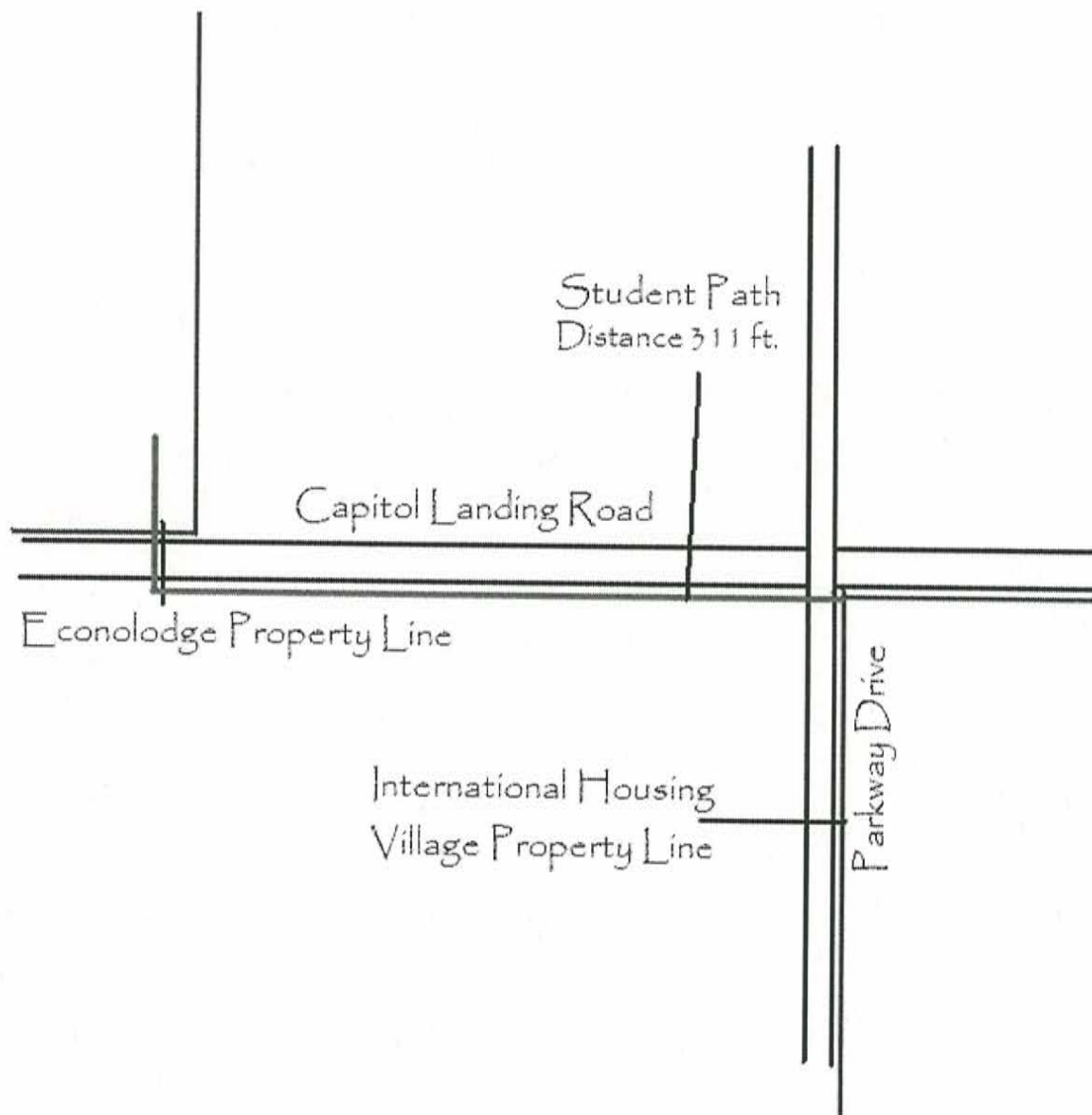
Busch Entertainment Corporation will arrange for an orientation session for the visiting students, which will be conducted by the Williamsburg Police Department.

The Econo-Lodge or Busch Entertainment Corporation shall pay a fee to the City that is equal to five (5) percent of the rent collected for the rooms leased for the visiting students.



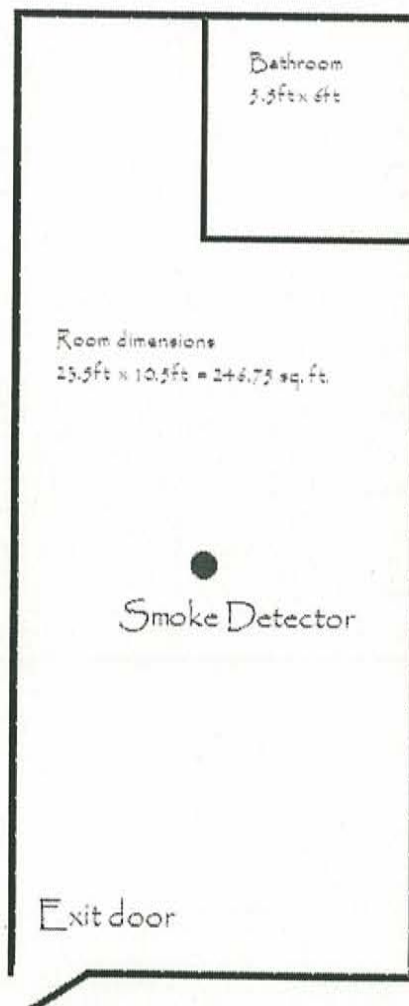
---

Donald W. Mills, Jr.





## Econolodge Room Floor Plan



DRIVE THRU

Econo Lodge Historic  
442 Parkway Drive, Williamsburg, VA 23185  
(757) 229-7564

Ground Floor

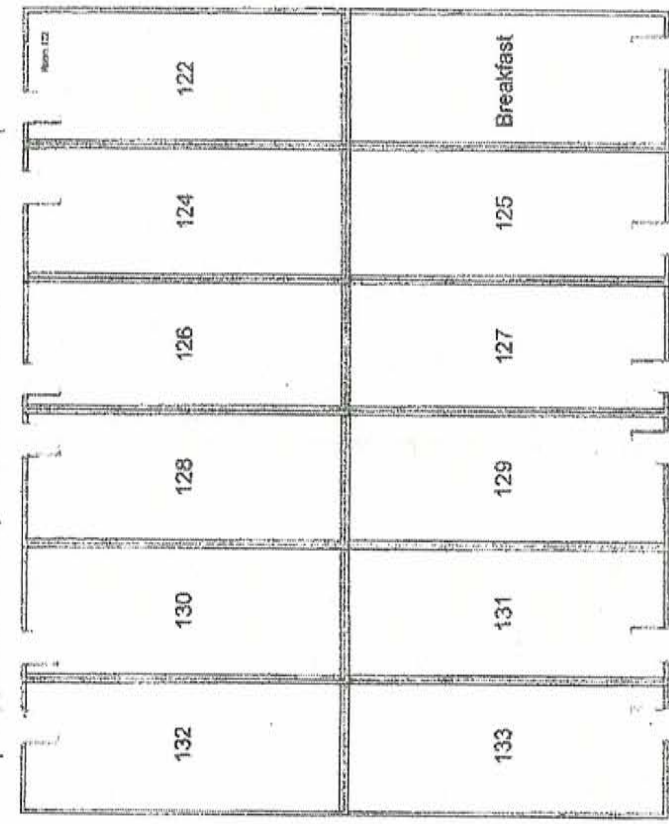


PARKING



PARKING

PARKING



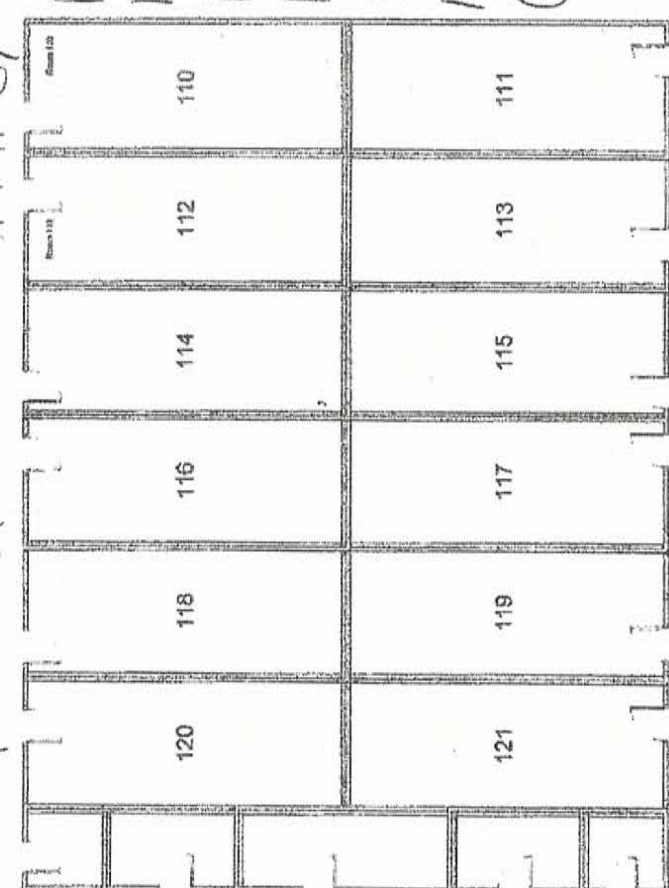
PARKING



PARKING



PARKING

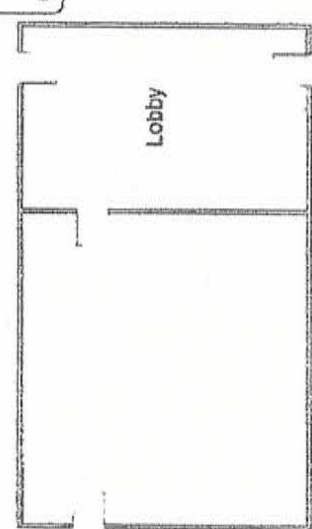


PARKING

PARKING



PARKING



Lobby

DRIVEWAY



WEST



WEST

WEST



Econo Lodge Historic  
442 Parkway Drive, Williamsburg, VA 23185  
(757) 229-7564

Second Floor

